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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,252	11/20/2001	Yves Ramanzin	PHFR 000121	9627

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

PARSONS, CHARLES E

ART UNIT PAPER NUMBER

2613

DATE MAILED: 03/24/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,252

Applicant(s)

RAMANZIN, YVES

Examiner

Charles E Parsons

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2613

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 1/12/2004 have been fully considered but they are not persuasive. The Applicant has incorrectly interpreted the previous office actions and the prior art. First the words immediately before and immediately after in column 15 lines 58-65 clearly refer to the VOP not the layer as alleged by the applicant. Furthermore, Yagasaki also clearly teaches that it is possible within the scope of his invention, to freely set which layer and which VOP are employed as a reference. Therefore at the very least the current invention is a matter of design choice, as admitted by the applicant in his arguments on page 6 of his amendment. "...the MPEG standard leaves open to the user the decision as to which of the specified three candidates to **choose** as the selected temporal reference. Since Yagasaki clearly teaches that any one can be chosen including those immediately before and after, the current invention is also an obvious modification of Yagasaki.

As for Chen not disclosing using the closest temporal reference VOP, again that is **not** why Chen was used in the first place. Please refer to prior actions as this was clearly discussed in them.

The Applicant made mention of a claim 5 being added, however no claim 5 is present in the amendment, therefore it could not be considered.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagasaki et al in view of Chen et al.

Claim 1 and 4: For use in a video encoder comprising base layer coding means, provided for receiving a video sequence and generating therefrom base layer signals that correspond to video objects (VOs) contained in the video frames of said sequence and constitute a first bitstream suitable for transmission at a base layer bit rate to a video decoder, and enhancement layer coding means, provided for receiving said video sequence and a decoded version of said base layer signals and generating therefrom enhancement layer signals associated with corresponding base layer signals and suitable for transmission at an enhancement layer bit rate to said video decoder, a method for coding the VOs of said sequence comprising the steps of; (See Yagasaki figure 5)

(A) segmenting the video sequence into said VOs ; (See Yagasaki column 8 lines 32-46.)

(B) coding successive video object planes (VOPs) of each of said VOs, said coding step itself comprising sub-steps of coding the texture and the shape of said VOPs, said texture coding sub-step itself comprising a first coding operation without prediction for the VOPs called intracoded or I-VOPs, coded without any temporal reference to another VOP, a second coding operation with a unidirectional prediction for the VOPs called predictive or P VOPs, coded using only a past I- or P-VOP as a temporal reference, and a third coding operation with a bidirectional prediction for the VOPs called bidirectional predictive or B VOPs, coded using both past and future I- or P-VOPs as temporal references, said method being characterized in that the temporal reference of the enhancement layer P-VOPs is selected only as the temporally closest candidate, and the temporal references of the enhancement layer B-VOPs are selected as the two temporally closest candidates, in each of these two situations without any consideration of the layer these candidates belong to. (See Yagasaki column 7 lines 57-67, column 14 line 19 through column 15 line 60, while he does not specify that he is coding texture and shape information Chen clearly is. See Chen figure 1 items 137, 138 and 139 as well as column 5 lines 15-25, wherein he clearly teaches that at the time the invention was made Shape and Texture

Art Unit: 2613

data was the data being manipulated when encoding Video objects. Therefore, it would have been obvious to one of ordinary skill in the art, to encode both the shape and texture data because as taught by Chen, it was a well known and efficient way of coding object data.)

Claim 2. Computer executable process steps stored on a computer readable medium and provided for carrying out a coding method according to claim 1. (See Yagasaki column 37 lines 39-65.)

Claim 3. A computer program product for a video encoder, for carrying out in said encoder the coding method according to claim 1, which product comprises a set of instructions which, when loaded into said encoder, causes it to carry out the steps of said method. (As shown above Yagasaki's invention could be carried out in software, therefore causing the computer it is loaded into to carry out the steps of said method is inherent.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/989,252

Page 5

Art Unit: 2613

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